

ENTERED

February 05, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISIONAMELIA GARCIA,
Plaintiff

VS.

CAROLYN W. COLVIN,
ACTING COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION
Defendant§
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CIVIL ACTION NO. M-15-036

ORDER ADOPTING REPORT AND RECOMMENDATION

Pending before the Court is Plaintiff's action pursuant to 42 U.S.C. § 405(g), which action had been referred to the Magistrate Court for a report and recommendation. On January 11, 2016, the Magistrate Court issued the Report and Recommendation, recommending that Plaintiff's Motion for Summary Judgment be denied, that Defendant's Motion for Summary Judgment be granted to the extent consistent with the findings and conclusions in the Report, and the Commissioner's final decision to deny benefits be affirmed. The time for filing objections has passed, and no objections have been filed.

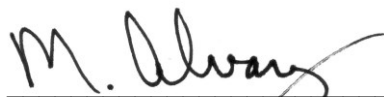
Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.¹ Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, it is hereby **ORDERED** that Plaintiff's Motion for Summary Judgment is **DENIED**, Defendant's Motion for Summary Judgment is **GRANTED**

¹As noted by the Fifth Circuit, "[t]he advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" Douglas v. United Services Auto. Ass'n, 79 F.3d 1415, 1420 (5th Cir. 1996)(quoting Fed. R. Civ. P.72(b) advisory committee's note (1983)) *superceded by statute on other grounds* by 28 U.S.C. § 636(b)(1), as stated in ACS Recovery Servs., Inc v. Griffin, No. 11-40446, 2012 WL 1071216, at *7 n.5 (5th Cir. April 2, 2012).

to the extent consistent with the findings and conclusions in the Magistrate's Report, and the Commissioner's final decision to deny benefits is **AFFIRMED**.

IT IS SO **ORDERED**.

DONE at McAllen, Texas, this 5th day of February, 2016.

A handwritten signature in black ink, appearing to read "M. Alvarez", is written over a horizontal line.

Micaela Alvarez
United States District Judge